

1  
2  
3  
4  
5  
6  
7 MERYL POMPONIO,  
8 Plaintiff,  
9 v.  
10 MACY'S WEST STORES, INC., et al.,  
11 Defendants.

Case No. [21-cv-04269-TSH](#)

**ORDER TO SHOW CAUSE**

12  
13 On October 25, 2021, the Court ordered the parties to file a status report by November 1,  
14 as the deadline to request mediation had passed. ECF No. 18. In response, Plaintiff Meryl  
15 Pomponio, Defendant Taubam Land Associates LLC, and Defendant Western Franchise  
16 Development, Inc. indicated they were in settlement negotiations and would know whether there  
17 was a settlement by November 22. ECF Nos. 19-21. Plaintiff also indicated she contacted the  
18 third defendant, Macy's West Stores, Inc., and was hopeful it would soon make an appearance.  
19 Since that time, Macy's filed its answer (ECF No. 25), and Pomponio and Macy's filed a  
20 stipulation of dismissal as to Macy's only (ECF No. 34). As to Taubam and Western Franchise,  
21 there had been no further updates, and the Court therefore ordered them to file an updated status  
22 report by May 19. ECF No. 35. No response has been received.

23 Accordingly, the Court **ORDERS** Plaintiff Meryl Pomponio to show cause why this case  
24 should not be dismissed for failure to prosecute and failure to comply with court deadlines.  
25 Plaintiff shall file a declaration by June 2, 2022. If a responsive declaration is filed, the Court  
26 shall either issue an order based on the declaration or conduct a hearing on June 16, 2022 at 10:00  
27 a.m. by Zoom video conference. The webinar link and instructions are located at  
28 <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>.

1       Notice is hereby provided that failure to file a written response will be deemed an  
2       admission that Plaintiff does not intend to prosecute, and the case may be dismissed without  
3       prejudice. Thus, it is imperative the Court receive a written response by the deadline above.

4       **IT IS SO ORDERED.**

5

6       Dated: May 23, 2022

7         
8       THOMAS S. HIXSON  
9       United States Magistrate Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

United States District Court  
Northern District of California